14 **S.B. CIVIL WRIT PETITION NO.4556/2004**
(Chuni Lal Vs. U.O.I. & Ors.)

DATE OF ORDER:- 18.07.2007

HON'BLE MR. DINESH MAHESHWARI,J.

Ms. Nupur Bhati, for the petitioner.
Mr. M.S.Godara , for the respondent.

Learned counsel for the petitioner in all fairness confines her prayer precisely with reference to Regulation 307 and submits that though with reassessment of disability of the petitioner below 20%, even if petitioner would cease to draw disability element of disability pension from the date it fell below 20% , the petitioner is yet entitled to continue to draw service element of disability pension but by the order Annexure-6, the respondents have not clarified to the effect that the petitioner would not be denied of service element of disability pension.

The respondents have stated in the reply that earlier the petitioner's disability pension claim was considered and he was granted service element at the rate of 375/- per month + DA which was subsequently revised to Rs. 1913/- per month + DA for life along with the component of temporary disability element. Thereafter, the respondents have categorically stated,-

> 'That since the disability of the petitioner was assessed as Nil by the Resurvey Medical Board last held on 31st May, 2003 at Military Hospital, Jodhpur due to recovery from ailment, his disability element granted earlier till 14th June, 2004 was discontinued w.e.f. 15th June, 2004. However, the

> petitioner is still getting service element at the rate of Rs. 1913/- per month plus DA for life.'

The assertion so made by the respondents in their reply has not been put to contention by the petitioner by filing any counter affidavit. Therefore, there is no reason to believe that the petitioner is being denied service element of disability pension.

In view of the aforesaid, there does not appear any reason or cause to issue any writ in this matter at the instance of the petitioner. Writ petition is, therefore, dismissed. No costs.

(DINESH MAHESHWARI),J.

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